

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN COXON,
Plaintiff,

v.

ATTORNEY GENERAL OF THE
UNITED STATES, et al.,
Defendants.

Case No. [21-cv-09384-JD](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION, AND
DISMISSING CASE**

This action was filed by pro se plaintiff Benjamin Coxon against the Attorney General of the United States, “a United States Attorney,” and “a United States District Court.” Dkt. No. 1.

After granting Coxon’s application to proceed in forma pauperis, a magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and concluded that it was deficient. Dkt. No. 9. Among other things, Coxon’s complaint was “incomprehensible in almost every respect and fail[ed] to state a viable claim for relief.” *Id.* at 2. The magistrate judge set a deadline of July 14, 2023, for Coxon to file an amended complaint that corrected the identified deficiencies. *Id.*

Coxon did not file an amended complaint by that deadline, and so on July 17, 2023, the magistrate judge issued a report recommending that the case be dismissed for the reasons in the screening order. The time to object to the magistrate judge’s recommendation has long passed, *see* 28 U.S.C. § 636(b)(1)(C), Fed. R. Civ. P. 72(b), and Coxon has not filed an objection or any other response.

The Court’s independent review establishes that Coxon’s complaint is deficient for the reasons stated in the screening order, Dkt. No. 9. In light of Coxon’s failure to file an amended complaint by the deadline set by the magistrate judge, dismissal for lack of prosecution is appropriate. *See Ash v. Cvetkov*, 739 F.2d 493, 496-97 (9th Cir. 1984).

1 The recommendation, Dkt. No. 10, is consequently adopted, and the case is dismissed
2 without prejudice under Federal Rule of Civil Procedure 41(b).

3 **IT IS SO ORDERED.**

4 Dated: December 13, 2023

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JAMES DONATO
United States District Judge

United States District Court
Northern District of California